

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

August 3, 2017

Haverstraw Town Board  
One Rosman Road  
Garnerville, NY 10923

### Tax Data:

Re: **GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

Map Date:

Date Review Received: 6/30/2017

Item: **TOWN OF HAVERSTRAW - MORATORIUM-GARAGE CONVERSION TO LIVING SPACE (H-257)**

Local Law to adopt an interim development moratorium so that a comprehensive review can be undertaken with regard to the conversion of garages to habitable living space.

Throughout the town

### Reason for Referral:

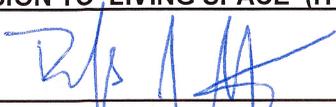
Towns of Clarkstown, Ramapo & Stony Point; Villages of Haverstraw, Pomona, and West Haverstraw; State and County roads, parks, & facilities; County streams; Long Path

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

### ***\*Recommend the following modifications***

1 Section 9. Hardship provides a way for a property owner to apply for a variation from strict compliance with this Local Law upon proof of such unnecessary hardship. If the Town Board determines that a property owner in fact will suffer an unnecessary hardship, then relief can be given to the property owner. This section of the law should be expanded upon, so that it is noted that if relief from strict compliance with this Local Law is granted, the applicant must still go through the necessary process in getting approvals, i.e. site plan review, variance, building permits, etc. from the appropriate town agency. In addition, if applicable, then it must be noted that a referral must be sent to the Rockland County Department of Planning if the property falls within their purview, and all other interested agencies (state, county, etc.) are given the opportunity to review the conversion application.

**TOWN OF HAVERSTRAW - MORATORIUM-GARAGE CONVERSION TO LIVING SPACE (H-257)**

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Supervisor Howard Phillips, Haverstraw  
New York State Department of Transportation  
Palisades Interstate Park Commission  
Helen Hayes Hospital  
Rockland County Drainage Agency  
Rockland County Department of Highways  
Rockland County Division of Environmental Resources  
  
Towns of Clarkstown, Ramapo & Stony Point  
Villages of Haverstraw, Pomona & West Haverstraw

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*